



Senate

General Assembly

File No. 142

February Session, 2022

Senate Bill No. 225

Senate, March 28, 2022

The Committee on Planning and Development reported through SEN. CASSANO of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

**AN ACT CONCERNING CERTAIN ROOFTOP SOLAR
INSTALLATIONS IN COMMON INTEREST OWNERSHIP
COMMUNITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47-261b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

3 (a) At least ten days before adopting, amending or repealing any rule,
4 the executive board shall give all unit owners notice of: (1) The executive
5 board's intention to adopt, amend or repeal a rule and shall include with
6 such notice the text of the proposed rule or amendment, or the text of
7 the rule proposed to be repealed; and (2) the date on which the executive
8 board will act on the proposed rule, amendment or repeal after
9 considering comments from unit owners.

10 (b) Following adoption, amendment or repeal of a rule, the
11 association shall give all unit owners notice of its action and include
12 with such notice a copy of any new or amended rule.

13 (c) Subject to the provisions of the declaration, an association may
14 adopt rules to establish and enforce construction and design criteria and
15 aesthetic standards. If an association adopts such rules, the association
16 shall adopt procedures for enforcement of those rules and for approval
17 of construction applications, including a reasonable time within which
18 the association [must] shall act after an application is submitted and the
19 consequences of its failure to act.

20 (d) A rule regulating display of the flag of the United States [must]
21 shall be consistent with federal law. In addition, the association may not
22 prohibit display, on a unit or on a limited common element adjoining a
23 unit, of the flag of this state, or signs regarding candidates for public or
24 association office or ballot questions, but the association may adopt
25 rules governing the time, place, size, number and manner of those
26 displays.

27 (e) Unit owners may peacefully assemble on the common elements to
28 consider matters related to the common interest community, but the
29 association may adopt rules governing the time, place and manner of
30 those assemblies.

31 (f) An association may adopt rules that affect the use of or behavior
32 in units that may be used for residential purposes, only to:

33 (1) Implement a provision of the declaration;

34 (2) Regulate any behavior in or occupancy of a unit which violates the
35 declaration or adversely affects the use and enjoyment of other units or
36 the common elements by other unit owners; or

37 (3) Restrict the leasing of residential units to the extent those rules are
38 reasonably designed to meet underwriting requirements of institutional
39 lenders that regularly make loans secured by first mortgages on units in
40 common interest communities or regularly purchase those mortgages,
41 provided no such restriction shall be enforceable unless notice thereof is
42 recorded on the land records of each town in which any part of the
43 common interest community is located. Such notice shall be indexed by

44 the town clerk in the grantor index of such land records in the name of
45 the association.

46 (g) In the case of a common interest community that is not a
47 condominium or a cooperative, an association may not adopt or enforce
48 any rules that would have the effect of prohibiting any unit owner from
49 installing a solar power generating system on the roof of such unit
50 owner's unit. An association may adopt rules governing (1) the size and
51 manner of affixing, installing or removing a solar power generating
52 system; (2) the unit owner's responsibilities for periodic upkeep and
53 maintenance of such solar power generating system; and (3) a
54 prohibition on any unit owner installing a solar power generating
55 system upon any common elements of the association.

56 ~~[(g)]~~ (h) An association's internal business operating procedures need
57 not be adopted as rules.

58 ~~[(h)]~~ (i) Each rule of the association ~~[must]~~ shall be reasonable.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	47-261b

PD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill affects private parties and does not result in a fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**SB 225****AN ACT CONCERNING CERTAIN ROOFTOP SOLAR INSTALLATIONS IN COMMON INTEREST OWNERSHIP COMMUNITIES.****SUMMARY**

This bill prohibits planned community associations from adopting or enforcing rules that would effectively prohibit unit owners from installing solar power generating systems (i.e., solar panels) on their own units' roofs. Condominiums and cooperatives are exempt from the bill's prohibition. Presumably, any condominiums or cooperatives located within a planned community are also exempt.

The bill authorizes planned community associations to adopt rules governing these systems with respect to (1) their size; (2) the manner in which they are attached, installed, and removed; and (3) the unit owner's responsibility for their maintenance and periodic upkeep. The rules may also prohibit owners from installing them on the association's common elements.

Under existing law, the association's executive board must give unit owners certain notice before adopting any rules and any adopted rules must be reasonable.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2022

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 18 Nay 8 (03/11/2022)